

FILED Mar 31, 2022
AT 11:39:23 AM
BOOK 11433
START PAGE 0835
END PAGE 0839
INSTRUMENT # 13323
RECORDING \$26.00
EXCISE TAX \$0.00

Prepared by/Return to: F. Stuart Clarke, Thorp and Clarke, P.A.
P.O. Box 670, Fayetteville, NC 28302

NORTH CAROLINA)
) SUPPLEMENTAL DECLARATION AND
) ANNEXATION OF SECTION 3
) WESTHAVEN SUBDIVISION TO THE
CUMBERLAND COUNTY)
) RESTRICTIVE COVENANTS OF
) WESTHAVEN
)

THIS DECLARATION, made this the 31st day of March 2022, by FLOYD PROPERTIES AND DEVELOPMENT, INC., a North Carolina corporation with its principal office and place of business in Cumberland County, NC, hereinafter referred to as "Declarant" and ONE BROTHER AND THREE SISTERS, LLC, hereinafter referred to as "Owner":

WITNESSETH:

WHEREAS, Owner owns certain property in Cumberland County, North Carolina, more particularly described on plat entitled "A Zero Lot Line Development SECTION 3, WESTHAVEN SUBDIVISION" as shown on a plat of same duly recorded in Plat Book 147, Page 69, Cumberland County, North Carolina Registry.

WHEREAS, Declarant and the Owner desire to have the above described property annexed to the Declaration of Covenants, Conditions and Restrictions for Westhaven Subdivision, Section 1, Part 1 being duly recorded in Book 9495, Page 815, Cumberland County

Registry and any amendments thereto; and

WHEREAS, Declarant further subjects Section 3, Westhaven Subdivision to the Declaration of Covenants Inspection/Maintenance of Stormwater Management Facility, Transfer of Maintenance Responsibilities attached hereto and incorporated herein as Exhibit "A".

NOW, THEREFORE, Declarant and Owner hereby declare that all of the properties described above shall be held, sold and conveyed subject to the following easements, restrictions, covenants and conditions which are for the purpose of protecting the value and desirability of, and which shall run with, the real property and be binding on all parties having any right, title or interest in the described properties, or any part thereof, their heirs, successor and assigns, and shall inure to the benefit of each owner thereof, said easements, restrictions, covenants and conditions are as follows:

1. That Declaration of Covenants, Conditions and Restriction for Westhaven Subdivision, Section 3, Part 1 being duly recorded in Book 9495, Page 815, Cumberland County Registry, and the Amendment recorded in Book 9572, Page 87, Cumberland County Registry, and any additional amendments thereto; and

2. To the extent the provisions of the Declaration conflict with any applicable provisions of the Cumberland County Code or North Carolina General Statute, the conflicting provisions of the County Code and/or North Carolina General Statute shall control.

NOW, THEREFORE, Declarant and Owner, according to the provisions set forth in Article III: Use Restrictions, do hereby amend said Declaration in pertinent part as follows:

1. Section 5, Driveways, shall be amended to add:

All driveways are limited to a two (2) car entrance from the street; however, a third car curve out may be added so long as the third driveway does not form an entrance from the street.

2. Section 6, Temporary Structures, shall be modified to add:

Any propane tank installed on the premises must not be visible from the street.

3. Section 9, Motor Vehicles, Boats, and Trailers, shall be amended to add:

All recreational vehicles, boats or trailers shall be parked on a concrete pad in the rear of the residence, not visible from any street.

4. Section 10, Fences, shall be deleted in its entirety and the following substituted therefore:

No fence shall be erected closer to any street line than the first or closest back corner of the house. No fences made of concrete block, chain link, or what is commonly known as "chicken wire" shall be permitted anywhere on the Lot. Fences shall not exceed six feet (6'0) in height. All perimeter yard fences must connect. All fences that are impossible to connect to adjoining property must be no less than thirty-six (36") inches off the property line, so as not to create an unmaintainable area. If a fence has yet to be installed on any lot(s), the fence must be installed on the property line or no less than thirty-six (36') inches from the property line. All fences and their proposed location must be approved by the Declarant.

5. Section 12, Satellite Dishes and Radio Antennas or Towers, shall be modified to read:

No satellite dish antennas, radio tower or antenna of any nature shall be placed or allowed to remain on said property except for a satellite dish measuring no more than 24 inches in diameter, attached to the rear of the dwelling.

6. Section 19, Swimming Pools, shall be deleted in its entirety and substituted with:

No above ground pools are allowed.

IN WITNESS WHEREOF, Floyd Properties and Development, Inc. has caused these presents to be executed in its name on the date and year first above written.

This the 3rd day of March 2022.

ONE BROTHER AND THREE SISTERS, LLC

By: *Clyde T. Wood III* (SEAL)
Name: Clyde T. Wood, III
Title: Member / Manager

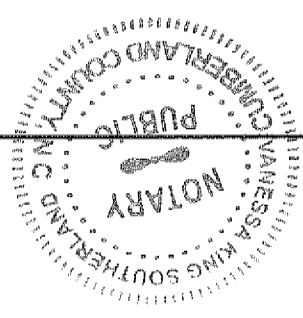
STATE OF NORTH CAROLINA

CUMBERLAND COUNTY

I, the undersigned Notary Public of the County and State aforesaid, certify that Clyde T. Wood, III personally came before me this day and acknowledged that he is the Member-Manager of One Brother and Three Sisters, LLC a North Carolina limited liability company, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed.

Witness my hand and Notarial stamp or seal, this 3rd day March 2022.

Vanessa King, Notary Public
My Commission Expires: 11/29/2023



**FLOYD PROPERTIES AND DEVELOPMENT,
INC.**

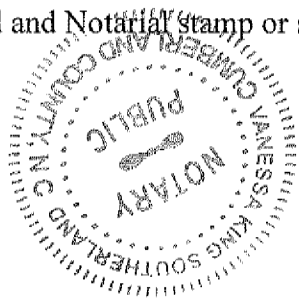
By: Jonathan W. Floyd (SEAL)
Name: _____
Title: Vice President

STATE OF NORTH CAROLINA

CUMBERLAND COUNTY

I, the undersigned Notary Public of the County and State aforesaid, certify that Jonathan W. Floyd personally came before me this day and acknowledged that he is the Vice President of Floyd Properties and Development, Inc., a North Carolina corporation, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed.

Witness my hand and Notarial stamp or seal, this 31st day March 2022.



Vanessa King, Notary Public
My Commission Expires: 11/29/2023